

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

JAMES CONNER SAMUELS, as Executor of )  
the Estate of ROBERT BLANCO, )  
Plaintiff, )  
)  
v. ) Case No.: 3:10-cv-0033-JRS  
)  
WYETH, INC., )  
f/k/a American Home Products Corporation, )  
WYETH PHARMACEUTICALS, INC., )  
f/k/a Wyeth-Ayerst Pharmaceuticals, Inc., )  
f/k/a Wyeth Laboratories, Inc. )  
Defendants. )

**JOINT STATUS REPORT**

Pursuant to this Court's Order of December 30, 2010, Plaintiff James Conner Samuels, as Executor of the Estate of Robert Blanco and Defendants Wyeth LLC and Wyeth Pharmaceuticals Inc. (collectively "Wyeth") provide the following report on the status of this matter:

The parties have reached a settlement of the claims in this matter. As this is an action for wrongful death pursuant to Va. Code § 8.01-50, et seq., the Court must approve the parties' settlement and the distribution of the proceeds of the settlement. The parties have been unable to submit the settlement to the Court for approval, however, because Medicare has not yet indicated whether it will assert a lien on the settlement for amounts Medicare paid for the decedent's medical expenses.

On December 10, 2010, Medicare issued a preliminary determination that it had not paid any claims related to the pending settlement. *See* Exhibit A attached hereto. The plaintiff has requested a final determination from Medicare regarding any refund due to Medicare, and on receipt of that final determination, the parties will submit an appropriate Motion to the Court seeking approval of the settlement and the distribution of the settlement proceeds. If a final

determination from Medicare is not received in the next 30 days, the parties will provide a further report on the status of this matter.

JAMES CONNER SAMUELS,  
AS EXECUTOR OF THE  
ESTATE OF ROBERT BLANCO

By: \_\_\_\_\_/s/\_\_\_\_\_

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WYETH PHARMACEUTICALS, INC

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